

Rutherford B. Hayes
Risk Management and Tort Defense Division
P.O. Box 200124
Helena, MT 59620-0124
(406) 444-2485
Facsimile: (406) 444-2592
Rutherford.Hayes2@mt.gov

Attorney for State Defendants

IN THE UNITED STATES DISTRICT COURT,
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

KENNETH JAY FLYNN,

Plaintiff,

Cause No.: CV 22-00098-GF-BMM

v.

CALUM T. CHRISTIAN, JUDGE
JASON MARKS, et al.,

**STATE DEFENDANTS' RULE
12(b)(6) MOTION TO DISMISS
AND NOTICE OF APPEARANCE**

Defendants.

Defendants Judge Jason Marks, Attorney General Austin Knudsen, Michael Moree, and Jeff Wilson (collectively “State Defendants”), represented by counsel Rutherford B. Hayes of the Montana Department of Administration, Risk

Management and Tort Defense Division, respectfully requests this Court dismiss Plaintiff's Complaint for failure to state a claim. A brief in support of this motion has been filed contemporaneously.

DATED this 17th day of November, 2022.

BY: /s/ Rutherford B. Hayes

Rutherford B. Hayes
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **MOTION TO DISMISS AND NOTICE OF APPEARANCE** was mailed postage prepaid, to the following persons at the address shown below:

Kenneth J. Flynn
615 1st Ave
PO Box 232
Gildford, MT 59525

DATED this 18th day of November, 2022.

BY: /s/ Rutherford B. Hayes
Rutherford B. Hayes
Attorney for Defendants